

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**LOUIS CHARLES HAMILTON, II,** §  
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*Plaintiff,* §  
v. §  
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**UNITED PARCEL SERVICE, INC.,** §  
a/k/a UPS, and §  
**CVS/CAREMARK CORP.,** §  
*Defendants.* §  
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CIVIL ACTION NO. 1:11-CV-240

# **MEMORANDUM ORDER OF DISMISSAL**

Pending before the Court are the defendant UPS's motion to dismiss for failure to state a claim [doc. #6] and motion to dismiss for improper venue [doc. #7]. The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration and recommended disposition of case-dispositive pretrial motions. The Court has received and considered the report of the United States Magistrate Judge, along with the record and pleadings.

The magistrate judge recommended that the Court grant the motions to dismiss. Judge Giblin also recommended that the Court dismiss the plaintiff's claims for improper venue and failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(3) and 12(b)(6). No party has objected to the report and recommendation. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted.

Based upon the magistrate judge's findings of fact and recommended disposition, the Court  
**ORDERS** that the report and recommendation [doc. #18] is **ADOPTED**. The Court further  
**ORDERS** that the defendants' motions to dismiss [doc. #6 and doc. #7] are **GRANTED**. The  
plaintiff's claims are **DISMISSED** in their entirety, with prejudice, for failure to state a claim and  
improper venue. The Clerk is directed to **CLOSE** this civil action. All pending motions not

addressed herein are **DENIED** as **MOOT**. This is a final judgment disposing of all claims and parties.

So **ORDERED** and **SIGNED** this 7 day of **March, 2012**.



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Ron Clark, United States District Judge